REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 4-13 have been objected to as being in improper form; Claims 1-3 have been rejected under 35 U.S.C. §112, second paragraph, as being vague and indefinite; Claims 1-3 have been rejected under 35 U.S.C. §102 as being anticipated by Walter (USP 4,751,805) and Claims 1-3 have been rejected under 35 U.S.C. §102 as being anticipated by Heist (USP 1,402,293).

Considering first then the Examiner's objection to Claims 4-13 as being in improper form, it is to be noted that Claims 4 and 5 have now been canceled, without prejudice, while Claims 6-13 have been revised for compliance with U.S. patent practice and procedure.

Considering next then the rejection of Claims 1-3 under 35 U.S.C. §112, it is to be noted that such claims as well as all remaining claims in the present application have been revised so as to use the term prismatic wheel as suggested by the Examiner and Claim 3 has been amended so as to claim that each flat face of the prismatic wheel has a plurality of recesses, either in a radial or axial configuration, in one or more rows and thus sets forth structure in compliance with U.S. patent practice and procedure.

Considering next then the rejection of Claims 1-3 under 35 U.S.C. §102 as being anticipated by Walter, Applicant notes that the present invention relates to a filter paper pod packing machine comprising a polygonal prismatic wheel P which is intermittently rotated about a horizontal axis R. The prismatic wheel P includes a plurality of recesses G, the size and shape of which correspond to the (coffee) pods to be produced. A first web F1 of filter paper is fed from a first roller B1. A second web F2 of filter paper is fed from a second roller B2 (cf. Fig. 2) for providing a cover sheet. Different cuts t are made in the first web F1 (cf. Fig. 4; last paragraph at page 2). Fig. 9 shows an enlarged view of the cuts t which become

so-called "greater flarings W" (cf. page 3 relating to the description of Fig. 9) when a forming

punch M (not depicted in the Figures) forms depressions C in the first web F1 of filter paper.

It is important to note that the webs used with the machine of the present invention are

made of paper. In contrast to plastic materials, paper is not as flexible. When the forming

punch M forms the (deeper) depressions C without cuts t being provided, there is a danger of

tearing the paper web F1 into pieces.

None of the prior art documents cited by the Examiner discloses a packing machine

for producing filter paper pods. All of the cited prior art documents relate to usage of webs

and films of plastic materials for forming pouches, packages, capsules and the like.

Walter refers to a packing machine, using a hot-deformable strip, for molding, filling,

sealing and separating containers (column 1, line 17). The packing machine includes five

stations I-V. A deep-drawing station I (column 5, line 11) comprises a molding tool 1 having

four different faces for providing four different container types A-D. If the shape of a

product is to be changed, for example from product A to product B, the molding tool 1 is

rotated by 90 degrees so that the container B is passed into the deep-drawing position 3 (cf.

column 5, lines 62-67). That means that the "prismatic wheel" 1 of Walter reference is not

intermittently rotated (intermittently = periodically including breaks). The molding tool 1 is

rotated if the container type is to be changed. Otherwise, the molding tool is raised and

lowered as depicted by a double arrow in Fig. 1. Usage of a paper web is not disclosed.

Even further, usage of means for providing cuts are not disclosed.

In view of the foregoing, it is submitted that Claims 1-3 as well as the remaining

claims patentably define over Walter.

Considering next then the rejection of Claims 1-3 under 35 U.S.C. §102 as being

anticipated by Heist, it is noted that Heist discloses in Fig. 8a a packaging machine

comprising a polygonal prismatic wheel 65 which is intermittently rotated about a horizontal

11

rotating axis. However, <u>Heist</u> neither discloses usage of a paper web nor provision of cutting means so that the paper web is not torn into pieces when forming depressions by means of recesses 65 or 69.

It is therefor submitted that Claims 1-3 as now amended patentably define over <u>Heist</u>.

It is further noted that none of the remaining references of record nor any of the above-noted references is believed to teach or disclose the limitations set forth in Claims 6-13. It is therefore submitted that each of Claims 1-3 and 6-13 patentably define over the prior art.
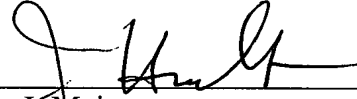
With respect to the remaining references, Applicant notes that <u>Chasman</u> (USP 4,567,714) also uses gelatine, i.e., a plastic material for providing a web from which containers or capsules are to be produced (cf. column 7, lines 18-21; column 6, lines 63-64). The gelatine is heated (cf. column 11, line 31 "molten gelatin") and subsequently cooled by air (cf. column 11, lines 41-44). Fig. 7 of the <u>Chasman</u> '714 reference discloses "lands 138" defining cavity forming recesses 50 (cf. column 13, lines 48-64). These lands 138 add in holding the gel web 24 to prevent sliding or slippage thereof relative to a sealing roll 32 (comparable to a prismatic wheel). However, no cutting means are provided.

A similar argumentation applies with respect to <u>Chasman</u> (USP 3,092,942) and it is noted that, while Figures 20-24 of the second <u>Chasman</u> '942 reference seems to be relevant, these Figures do not show cutting means either. Also, no paper web is used.

In view of the foregoing, an early and favorable Office Action is believed to be in order and the same is hereby respectfully requested.

Respectfully submitted,

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13